IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 316 of 2003
in
CIVIL APPLICATIONNo 1699 of 2003
With
CIVIL APPLICATION No. 2299 of 2003
With
CIVIL APPLICATION No. 2046 of 2003

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT

and

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMEDABAD MUNICIPAL TRANSPORT SERVICE
Versus
JINABHAI MOHANBHAI VANKAR

Appearance:
1. LETTERS PATENT APPEAL No. 316 of 2003
MR HS MUNSHAW for Appellant.
Mr. Gharaniya for Respondent No. 1

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT

and

MR.JUSTICE K.A.PUJ

Date of decision: 07/04/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

Admit. Upon joint request, the matter is taken up for Final Hearing today itself.

2. The only question, which is raised before us by learned advocate, Mr. Munshaw, is that the appellant Corporation would abide by the direction for payment of retiral dues and benefits due and payable to respondent-workman, but the time of two days is quite insufficient in view of the present financial position of the Corporation and the procedural delay. Of course, ordinarily, such a request cannot be acceded to for compliance of the direction of the Court. Nonetheless, the period of two days contained in the impugned order cannot be said to be reasonable for compliance of order which covers several lakhs of dues. It is in this context, learned advocate, Mr. Munshaw submitted that a reasonable short period may be granted for compliance since by now he is out of work and job for a long, long time as he came to be dismissed in 1996, and the amount of provident fund and gratuity has been directed to be paid within two days, which, in the circumstances narrated above, would be a very short period. Therefore, considering the facts and circumstances and the submissions of both the learned advocates, half the amount of Provident Fund and half the amount of gratuity shall be paid on or before 7th May 2003 and the remaining half on or before 7th June 2003, failing which it will be open for the respondent to appropriately move for actions against the Corporation.

3. With these observations, the Appeal shall stand disposed. No order as to costs. There shall be no

orders on Civil Applications No. 2299 of 2003 and 2046 of 2003.

[J.N. Bhatt, Actg.C.J.]

rmr. [K.A. Puj, J.]